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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,612	02/27/2004	Anthony L. Billups	23-0536	9035

40158 7590 06/18/2007
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EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,612

Applicant(s)

BILLUPS, ANTHONY L

Examiner

Gary K. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20040227.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 2-9 are objected to because of the following informalities: In claim 2, line 6, it appears the first "extension portion" should be ---gripping portion--- since the extension portion is coupled to the gripping portion and not to itself. Likewise, in claim 9, line 18, the first "extension portion" should be ---gripping portion--- since the extension portion is coupled to the gripping portion and not to itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 6, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Salvy (US patent 2,795,807).

The patent to Salvy discloses the invention as is claimed. Salvy discloses an apparatus comprising a handle member (2), a head member (1) coupled to the handle and having a pair of channels (3,4) therein for receiving mounting members (7,8) of a scrubbing member (fig.2). The scrubbing member has a main portion (5) with bristles (6) thereon and is selectively mounted to the head. The scrubbing member is adapted to scrub or contact any surface so desired. Each mounting member has a base portion and a securing portion (see fig.2). Such are not numbered, but clearly shown. Likewise, each of the channels in the head has a vertical portion and angled portion.

With respect to claim 1, terming the apparatus a "body scrubbing apparatus" does not distinguish from Salvy as such can be used in any manner so desired. Such at most relates to the intended use of the device and does not define any particular structure, at least none not disclosed by Salvy.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiyama et al (US patent 4,392,269).

The patent to Nishiyama discloses the invention as is claimed. Nishiyama discloses an apparatus comprising a handle member (6) with a gripping portion (6a) at one end and an extension portion at the other, the extension portion extends (fig.2) into a head member (3). Note figure 2 wherein it can be seen that some adjustability in the length of the extension member into the head member is allowable. A scrubbing member (23) is selectively mounted to the head member. The scrubbing member is adapted to scrub or contact any surface so desired. A locking member (7) is operationally coupled to the head and around the extension portion for inhibiting movement of the

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extension portion with respect to the head member when actuated by a user. The locking member is threadably (4,8) coupled with the head member such that rotation of the locking member actuates the locking member.

With respect to claim 1, terming the apparatus a "body scrubbing apparatus" does not distinguish from Nishiyama as such can be used in any manner so desired. Such at most relates to the intended use of the device and does not define any particular structure, at least none not disclosed by Nishiyama.

Claims 1, 2, 3, 4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tubman (US patent 6,845,539).

The patent to Tubman discloses the invention as is claimed. Tubman discloses an apparatus (fig. 9,10) comprising a handle member (514) with a gripping portion at one end and an extension portion at the other. The gripping portion comprises an arcuate portion and a straight portion (see fig. 9). The extension portion extends into a head member (574) and is lockable therein by a locking member (576). Note figure 9 wherein it can be seen that adjustability in the length of the extension member into the head member is allowed and controlled by the locking member. A scrubbing member (12") is selectively mounted to the head member. The scrubbing member is adapted to scrub or contact any surface so desired.

With respect to claim 1, terming the apparatus a "body scrubbing apparatus" does not distinguish from Tubman as such can be used in any manner so desired. Such at most relates to the intended use of the device and does not define any particular structure, at least none not disclosed by Tubman.

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Allowable Subject Matter

Claim 9 would be allowable if amended to overcome the minor objection thereto.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Graham/
Primary Examiner
Art Unit 1744

GKG
11 June 2007